

**TWENTY-FIRST DAY**

(Thursday, February 19, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Weinert	Wood
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

O Lord, Thou hast been our dwelling place throughout all generations. Continue to bless and keep us through this day; make Thy face to shine upon us, and be gracious unto us; lift up Thy countenance upon us, and give us peace. Through Jesus Christ our Lord. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Lane.

Senator Wood was granted leave of absence for today on account of important business on motion of Senator Hardeman.

**Reports of Standing Committees**

Senator Hardeman submitted the following reports:

Austin, Texas,  
February 19, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 150, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 19, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 170, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
February 19, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 146, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,  
February 19, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 169, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
February 19, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 59, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 59 was read first time.

#### Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. B. No. 206, A bill to be entitled "An Act amending Article 4447a of Texas Civil Statutes which authorizes a coordinated health program; by authorizing the Commissioners Court of any county or counties and the municipal authorities of any city or cities to cooperate in the establishment of a coordinated health program and by mutual agreement to provide for the payment of all costs incident thereto; to provide for the appointment of a director and his oath of office; to provide for the method of payment of all cost incident thereto; and declaring an emergency."

To the Committee on State Affairs.

By Senators Hudson and Kazen:

S. B. No. 207, A bill to be entitled "An Act amending House Bill No. 133, Acts of the 55th Legislature, Regular Session, 1957, by providing additional purposes for which the monies appropriated to the Texas Liquor Control Board may be expended, and declaring an emergency."

To the Committee on Finance.

By Senator Owen:

S. B. No. 208, A bill to be entitled "An Act validating Hudspeth County Water Control and Improvement District Number One; validating the boundaries of said District; validating all actions, orders, or other proceedings in connection with its creation, organization and operation; validating all actions, orders or other proceedings relating to the calling, conducting and declaring the results of any confirmation election, or bond election and in calling, conducting and determining the results of any exclusion hearing; validating all bonds

heretofore voted and providing same shall be incontestable upon approval of the Attorney General and registration by the State Comptroller; validating all actions in authorizing the levy, assessment and collection of taxes and in adopting tax rolls; validating the appointment or election of directors and prescribing their terms; providing that bonds of the District shall be authorized investments and eligible to secure deposits of public funds in certain instances; providing for the ad-valorem plan of taxation; declaring all included land and property shall be benefitted; declaring the district essential; enacting provisions incident and related to the subject, and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Roberts:

S. B. No. 209, A bill to be entitled "An Act relating to manufacture and sale of bedding; amending Section 2 and Section 5 of Senate Bill No. 200, General Laws of the Forty-sixth Legislature, Regular Session, page 376, as amended, which pertain to the labeling of bedding and registration for selling bedding and enforcement provisions; repealing all laws in conflict with the Act; providing a saving clause; and declaring an emergency."

To the Committee on Public Health.

By Senator Bradshaw:

S. B. No. 210, A bill to be entitled "An Act to amend Article 1.10, Texas Insurance Code, by adding a new section thereto to authorize the State Board of Insurance and State Treasurer to accept and hold voluntary deposits made by Texas insurance companies as a prerequisite for such companies to gain admission to do an insurance business in other states, countries or provinces setting out the conditions under which such deposits may be substituted and withdrawn; and authorizing transfer of previous deposits so made to the account authorized hereunder; making the act cumulative; and declaring an emergency."

To the Committee on Insurance.

By Senator Gonzalez:

S. J. R. No. 11, Proposing an amendment to Article III of the Constitution of Texas by adding a new Section 49-C, whereby the Veterans

Land Board may make loans to veterans.

To the Committee on Constitutional Amendments.

#### Senate Resolution 104

Senator Hardeman offered the following resolution:

Whereas, Today we are honored with the presence of members of the Commissioners' Court of Pecos County, Texas, composed of Honorable Walter Buenger, County Judge, Honorable Billy Moody, Commissioner of Precinct No. 1, Honorable Ollie Garland, Commissioner of Precinct No. 3, Honorable Leslie Bowman, Commissioner of Precinct No. 4, accompanied by former Commissioner Honorable Hal Burnett; and

Whereas, It is the desire of the Senate to welcome the presence of these distinguished West Texans; now, therefore, be it

Resolved, By the Senate of Texas, that the official welcome of the Senate be extended to these officials and citizens and that a copy of this resolution be furnished the County Judge of Pecos County, Texas, for its appropriate use.

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented the distinguished guests to the Members of the Senate.

#### Senate Resolution 105

Senator Hardeman offered the following resolution:

Whereas, Today marks the One Hundred Thirteenth Anniversary of the termination of the government of the glorious Republic of Texas and the beginning of the illustrious history of the State of Texas. It was on February 19, 1846, that Honorable Anson Jones, the last President of the Republic of Texas, consummated the official act to close a memorable period and usher in a new era, with Honorable James Pinckney Henderson being inaugurated as the first Governor of the great State of Texas; and

Whereas, On that date the flag of the Lone Star Republic was furled, thereafter to become the brightest star in the field of blue of Old Glory; and

Whereas, His Excellency, the Governor of Texas, has proclaimed the week of February 15-21, 1959, as Texas Statehood Week and today as Statehood Day; now, therefore, be it

Resolved, By the Senate of Texas, That we the members of the Senate of the Fifty-sixth Legislature of the State of Texas, pause in our deliberations to rededicate ourselves to the priceless heritages and blood-bought principles incorporated in the Declaration of Independence, adopted by "The Great Convention" at Washington-on-the-Brazos, and the Constitution, which bear the approval and are sanctioned by the wisdom of the ages and to reaffirm and pay tribute to and express our gratitude for the sacrifices, foresight and efforts of the founding fathers of our land and country who established the right to life, liberty and the pursuit of happiness.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 19

Senator Bradshaw offered the following resolution:

S. C. R. No. 19, Memorializing Congress relative to granting Texas Legislators and others certain deductions under Internal Revenue Code.

Whereas, The Congress of the United States of America has recognized that the duties of their office require that they expend a portion of their income for the sole purpose of maintaining a residence at Washington, D. C.; and

Whereas, The Congress has recognized that this expense is a valid occupational requirement; and

Whereas, The Congress has allowed the members of the Congress to deduct a portion of this expense as personal living expenses from their income so that no income tax is computed on this amount; and

Whereas, The Texas State Legislature, being required to meet in the City of Austin, Travis County, Texas, and its members living almost without exception in other counties; and

Whereas, These Legislators are required to maintain the residence where they are domiciled and at the same time to maintain a residence at the City of Austin, Texas; and

Whereas, These Legislators are required to expend money to travel to and from and reside in the City of Austin, Texas, which money so expended is a valid occupational expense; and

Whereas, This expense is similar to and identical with the expenses of the Congressmen of the United States of America, a portion of which the Congress has allowed the members of Congress to deduct from their income as a tax free deduction; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House concurring, That the Congress of the United States be requested to recognize the validity of the moneys expended by Legislators of the State of Texas, and the legislators of other states of the United States of America, which arise solely from the requirements of their office and the requirements to reside away from the place of their individual domicile; and, be it further

Resolved, That the Congress be requested to introduce legislation amending Section 162(a)(3) of Title 26 of the United States Code Annotated so that this section of the Internal Revenue Code of 1954 shall read "For the purposes of the preceding sentence, the place of residence of a Member of Congress or of a State Legislator, etc.," so that said State legislators may come under the provisions of this section of the Internal Revenue Code of 1954; and, be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officer of each branch of the several States' Legislatures with the recommendation that said bodies petition the Congress to present legislation as above set out.

The resolution was read.

On motion of Senator Bradshaw and by unanimous consent the resolution was considered immediately and was adopted.

#### House Bill 45 on Second Reading

Senator Martin moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 45 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

#### Absent—Excused

Weinert	Wood
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The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 45, A bill to be entitled "An Act amending Section 12 of Chapter 57, Acts of the 55th Legislature, Regular Session, 1957 (Section 12 of Article 2351a-6, Vernon's Texas Civil Statutes), relating to Rural Fire Prevention Districts, to provide that the County Tax Assessor-Collector shall be the Assessor-Collector for the District; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend House Bill 45 by inserting between the words "subject to" and "taxation" the word "District."

The amendment was adopted.

On motion of Senator Martin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to third reading.

#### House Bill 45 on Third Reading

Senator Martin moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 45 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

## Absent—Excused

Weinert	Wood
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

## Absent—Excused

Weinert	Wood
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## Senate Resolution 106

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate members of the 6th Grade, Palm School, Austin, Texas, accompanied by their teacher, Mrs. Julia Roberts; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe

and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

## Reports of Standing Committees

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,  
February 19, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 182, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KRUEGER, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
February 19, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred S. B. No. 193, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

## Senate Bill 182 Ordered Not Printed

On motion of Senator Lane and by unanimous consent S. B. No. 182 was ordered not printed.

## Message from the House

Hall of the House of Representatives  
Austin, Texas,  
February 19, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 92, Providing for the election of school trustees by separate positions in certain independent school districts; providing that when the Board of Trustees adopt the procedure herein it may not rescind such action; repealing all laws in conflict except Statutes providing for election of school trustees by position number; and declaring an emergency.

H. B. No. 113, Amending Sections 1 and 3 of Senate Bill No. 5, Acts of the Forty-fourth Legislature, Second Called Session, 1935, Chapter 465, page 1762, as amended, codified in Vernon's as Section 1 and 3 of Article 3912e, Vernon's Civil Statutes, so as to permit the collection of fees and commissions by County Officers from the State or County for services rendered by such County Officers in connection with the acquisition of rights of way for public roads or highways, and in eminent domain proceedings, providing that such fees in Counties where the County Officers are compensated on a salary basis shall be deposited in the Officers' Salary Fund of the County; repealing all laws in conflict; and declaring an emergency.

H. B. No. 126, A bill to be entitled "An Act amending Chapter 276, Acts of the 45th Legislature, 1937, as subsequently amended (Codified under Article 8280-119, Vernon's Annotated Civil Statutes of the State of Texas), by adding a new section to said Act providing that all bonds of the San Antonio River Authority shall be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and that all bonds of the San Antonio River Authority shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, to the extent of their value when accompanied by all unmatured coupons appurtenant thereto; and declaring an emergency."

H. B. No. 151, Amending Chapter 52, Acts of the Forty-first Legislature, First Called Session, 1929, as amend-

ed by Chapter 429, Acts of the Fifty-third Legislature, Regular Session, 1953, to provide for the control and eradication of vesicular exanthema in swine; repealing conflicting laws; providing for severability; providing a penalty for violation; and declaring an emergency.

H. B. No. 184, Amending Section 22 of Chapter 52, Acts of the Forty-first Legislature, First Called Session, 1929, compiled as Section 22 of Article 1525b, Vernon's Annotated Penal Code relating to the control and eradication of bovine tuberculosis; providing a penalty for violation; and declaring an emergency.

H. B. No. 212, A bill to be entitled "An Act applying to all independent school districts created by Special Act of the Legislature, operating under the General Laws, having as many as Eighteen Hundred Thirty-One (1831) and not more than Eighteen Hundred Thirty-Five (1835) scholastics, according to the last official scholastic census, and wherein there is situated a city having a population of as many as Forty-Four Hundred Twenty-Seven (4427) and not more than Forty-Four Hundred Thirty (4430), according to the last preceding federal census, and having a Board of seven (7) Trustees whose terms of office are for three (3) years; providing that in all such school districts the trustees thereof shall be voted upon and elected separately for positions on said Board of Trustees; providing methods and the time, depending upon the effective date of this Act, whereby trustees in any such school district shall draw for positions on any such Board of Trustees in any such school district, providing for elections for, and the manner and method of electing such trustees in any such district, depending upon the effective date of this Act; providing for official ballot, for use in such trustee elections and the time within which, and the manner in which, a person desiring to become a candidate for election shall give notice of his or her candidacy as the case may be; providing that no candidate shall be eligible to have his or her name placed on the official ballot for more than one (1) position to be filled at any such election; providing that at any such election each voter shall vote for only one (1) candidate for each such position and

that the candidate receiving the highest number of votes for each respective position voted upon at any such election shall be entitled to serve as a Trustee on said Board, holding the position thereon to which he or she, as the case may be, shall have been so elected; providing a saving clause to the effect that if any provision of this Act shall be held invalid the other provisions shall not be affected; and declaring an emergency."

S. B. No. 7, A bill to be entitled "An Act to amend Section 2 of Senate Bill No. 44, Acts of the 49th Legislature, Regular Session, 1945, as amended (codified as Section 2 of Article 5798a-2 of Vernon's Civil Statutes), so as to provide that a person who has served in the active Military, Navy, or Armed Forces, or the Nurses Corps of the United States or Canada, during the Korean War (commonly referred to as the Korean Conflict or the Korean Police Action), for a period of at least four (4) months, and having been honorably discharged from such service, may serve as Veterans County Service Officer and/or Assistant Veterans County Service Officer; etc.; and declaring an emergency."

S. B. No. 21, A bill to be entitled "An Act amending Section 1 of Chapter 509, Acts of the 47th Legislature, Regular Session, 1941, as last amended by Section 1 of Chapter 73, Acts of the 50th Legislature, Regular Session, 1947, so as to authorize the construction of causeways, bridges and tunnels in any county bordering on the Gulf of Mexico which has a population of twenty thousand (20,000) or more; and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act relating to the firemen and policemen pension fund in certain cities; amending Chapter 101, Acts of the 43rd Legislature, First Called Session, 1933, as amended by adding a new section thereto; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act amending Article 57 of the Revised Civil Statutes of Texas, 1925, as amended, providing for the State Seed and Plant Board, appointment and tenure of members, creation and filling of vacancies, organization and meetings of the Board, and various powers of the Board; providing for

severability; and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act concerning the re-employment of retired teachers receiving benefits under the Teacher's Retirement System of Texas; and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act amending Section 1 of Chapter 52, Acts of the Forty-first Legislature, First Called Session, 1929, compiled as Section 1 of Article 1525b, Vernon's Annotated Penal Code, so as to authorize the Livestock Sanitary Commission to adopt and issue rules and regulations for the control and eradication of infectious, contagious and communicable diseases of livestock and domestic fowls; and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act repealing Article 252 and Articles 262 through 269 of the Penal Code of Texas, 1925, relating to election campaign expenditures and statements; and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act providing for an increased membership in City Council Boards of Adjustment and for simple majority concurrence in Board actions; amending Section 7 of Chapter 283, Acts of the Fortieth Legislature, 1927, codified as Article 1011g of Vernon's Texas Civil Statutes; and declaring an emergency."

S. B. No. 49, A bill to be entitled "An Act changing the name of the Hockley County Junior College District, established in Hockley County, Texas, and enlarged by annexation into Cochran County, Texas, to the 'South Plains Junior College District,' providing that all powers under law, special or general, granted or vested in said District, shall be the same under the new name, providing that all rights, appurtenances, property, things of value, contracts, obligations, belonging to the Hockley County Junior College District, Hockley County, Texas, or South Plains Junior College District, are ratified and confirmed in behalf of the South Plains Junior College District; providing a repealing clause; saving clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Report of Standing Committee**

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,  
February 19, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Education, to whom was referred S. B. No. 176, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

**Bills and Resolutions Signed**

The President Pro Tempore signed in the presence of the Senate after the captions had been read the following enrolled bills and resolutions:

H. B. No. 202, A bill to be entitled "An Act changing the name of Southwest Texas State Teachers College to Southwest Texas State College; fixing an effective date; and declaring an emergency."

H. B. No. 302, A bill to be entitled "An Act validating the organization and creation of county-wide hospital districts created or attempted to be created by authority of Chapter 266, Acts of the 53rd Legislature as amended by Chapter 257, Acts of the 54th Legislature, validating all acts of the Commissioners' Court of such counties in ordering an election or elections for the creation of such districts and in canvassing the returns and declaring the result thereof; validating such election or elections; providing that this Act shall apply only to such eligible hospital districts in which an election has been held and which resulted in the adoption of the statutory proposition for the creation of such district, the levying of the tax and the assumption of hospital bonds; providing that this act shall not apply to any district involved in litigation, if such litigation is ultimately determined against the validity of the district; and declaring an emergency."

H. C. R. No. 4, Giving the Inaugural Committee authority to make arrangements for the inauguration.

H. C. R. No. 5, Providing for the expenses of the inauguration to be

paid out of the Contingent Expense Fund of the Fifty-sixth Legislature.

H. C. R. No. 27, In memory of Dr. Paul Lewis Boynton.

H. C. R. No. 29, Expressing appreciation to Mr. Walter E. Long and the Texas Legislative Service.

H. C. R. No. 31, Providing for payment of expenses of Members of the Legislature while attending meetings of the Council of State Governments.

H. C. R. No. 33, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 302.

**House Bill 118 on Second Reading**

Senator Ratliff moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 118 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Weinert	Wood
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The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 118, A bill to be entitled "An Act establishing the Nolan County Juvenile Board; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 118 on Third Reading**

Senator Ratliff moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three



several days be suspended and that H. B. No. 118 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Weinert                      Wood

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—29**

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

**Absent—Excused**

Weinert                      Wood

**House Bill 66 Postponed**

On motion of Senator Moffett and by unanimous consent H. B. No. 66 was postponed until Wednesday, February 25, 1959, at 11:00 o'clock a.m.

**House Bill 119 Postponed**

On motion of Senator Ratliff and by unanimous consent H. B. No. 119

was postponed until Wednesday, February 25, 1959, at 11:15 o'clock a.m.

**Senate Bill 182 on Second Reading**

Senator Lane moved that Senate Rules 116, 13 and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 182 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

**Nays—1**

Fuller

**Absent—Excused**

Weinert                      Wood

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 182, A bill to be entitled "An Act to amend Article 908, Chapter 6 of the Penal Code of Texas, as amended, to provide a non-resident license for use only on state-licensed shooting resorts from October 1 to April 1; to set the shooting resort season on quail at October 1 to April 1, the same period as for chukar, pheasant, or any other pen-raised fowl; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 182 on Third Reading**

Senator Lane moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 182 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

## Nays—1

Fuller

Absent—Excused

Weinert

Wood

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

## Nays—1

Fuller

Absent—Excused

Weinert

Wood

## Senate Bill 9 on Second Reading

Senator Baker moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 9 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

## Absent—Excused

Weinert

Wood

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 9, A bill to be entitled "An Act to create and define the offense of shoplifting; to provide punishment for the offense; to create presumptions arising out of the concealment of goods held for sale by Merchants and to exempt from civil or criminal liability any Peace Officer, Merchant, or specifically authorized employee who arrests or causes the arrest without a warrant of any person suspected of the offense of shoplifting."

The bill was read second time.

Senator Baker offered the following committee amendment to the bill:

Amend S. B. No. 9 by striking all below the enacting clause and inserting in lieu thereof the following:

Section 1. Any person while legally in a retail business establishment as an invitee or licensee who removes from its place goods, edible meat or other corporeal personal property of any kind or character under the value of \$50.00 kept, stored or displayed for sale with the intent to fraudulently take and to deprive the owner of the value of the same and to appropriate the same to the use and benefit of the person taking is guilty of shoplifting. Altering of label or marking on goods, edible meat or other corporeal personal property or transferring same from one container to another with intent to defraud

also constitute the crime of shoplifting.

Sec. 2. All persons have a right to prevent the consequences of shoplifting by seizing any goods, edible meat or other corporeal property which has been so taken, and bringing it, with the supposed offender, if he can be taken, before a magistrate for examination, or delivering the same to a peace officer for that purpose. To justify such seizure, there must, however, be reasonable ground to suppose the crime of shoplifting to have been committed and the property so taken, and the seizure must be openly made and the proceeding had without delay.

Sec. 3. For the first conviction for a violation of this act, the punishment shall be by imprisonment in jail not exceeding six (6) months, or by a fine of not more than Five Hundred Dollars (\$500.00), or both. If it be shown upon the trial of a case involving a violation of this act that defendant has been once before convicted of the same offense, he shall, on his second conviction, be punished by confinement in the County Jail for not less than thirty (30) days, nor more than six (6) months, or by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or both. If it be shown upon the trial of a case involving a violation of this act that the defendant has two or more times before been convicted of the same offense, he shall, upon the third or any subsequent conviction, be guilty of a felony, and the punishment shall be by confinement in the penitentiary for not less than one nor more than five (5) years.

Sec. 4. The fact that there does not now exist adequate laws to prevent the offense of shoplifting and the further fact that legislation is needed to prevent and punish such offense creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and this Rule is hereby suspended, and that this act take effect and be in force from and after its passage and it is so enacted.

The committee amendment was adopted.

Senator Baker offered the following Committee Amendment to the bill:

Amend S. B. No. 9 by striking all above the enacting clause and inserting in lieu thereof the following:

#### A BILL

#### To be Entitled

An Act to create and define the offense of shoplifting; to provide punishments for the offense; giving to all persons the right to prevent the consequences of shoplifting, describing legal actions which may be taken by them in connection with a supposed offense; and declaring an emergency.

The committee amendment was adopted.

The bill as amended was passed to engrossment.

#### Senate Bill 9 on Third Reading

Senator Baker moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

#### Absent—Excused

Weinert	Wood
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Martin	Willis
Moffett	

Absent—Excused

Weinert                      Wood

**Senate Bill 159 on Second Reading**

Senator Colson moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 159 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

Nays—1

Hardeman

Absent—Excused

Weinert                      Wood

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 159, A bill to be entitled "An Act conferring upon the Game and Fish Commission regulatory authority over wildlife resources in Grimes County; amending Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as amended so as to make that act applicable to Grimes County; repealing certain

laws and fixing the effective date of the repeal; providing for severability; and declaring an emergency."

The bill was read the second time.

Senator Colson offered the following Committee Amendment to the bill:

Amend S. B. No. 159 by inserting the words Brazos and Burleson between the words Bowie and Clay in Section 1.

The committee amendment was adopted.

Senator Colson offered the following Committee Amendment to the bill:

Amend S. B. No. 159 by inserting the word Robertson between the words Red River and Somervell in Section 1.

The committee amendment was adopted.

Senator Colson offered the following Committee Amendment to the bill:

Amend Section 2 and Section 4 of S. B. 159 by striking out the word Grimes County and inserting in lieu thereof the words Grimes, Brazos, Burleson and Robertson counties.

The committee amendment was adopted.

On motion of Senator Colson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Record of Vote**

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 159 to engrossment.

**Senate Bill 159 on Third Reading**

Senator Colson moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 159 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

## Nays—1

Hardeman

## Absent—Excused

Weinert

Wood

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

## Nays—1

Hardeman

## Absent—Excused

Weinert

Wood

## Senate Bill 176 Ordered Not Printed

On motion of Senator Hudson and by unanimous consent S. B. No. 176 was ordered not printed.

## Senate Bill 176 on Second Reading

Senator Hudson moved that Senate Rules 116, 38 and 13 and Section 5 of Article III of the State Constitu-

tion be suspended and that S. B. No. 176 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

## Nays—1

Hardeman

## Absent—Excused

Weinert

Wood

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 176, A bill to be entitled "An Act to permit school districts in counties having in excess of 150,000 population according to the last preceding Federal census, and having or acquiring authority to levy a tax for maintenance purposes of not more than \$1.75 per \$100 of assessed valuation, to levy, allocate and expend 50¢ per \$100 assessed valuation of such maintenance levy for construction, repair, renovation, or equipment of public free school buildings and purchase of sites therefor; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 176 on Third Reading

Senator Hudson moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 176 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

## Nays—1

Hardeman

## Absent—Excused

Weinert                      Wood

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis

## Nays—1

Hardeman

## Absent—Excused

Weinert                      Wood

## Senate Resolution 107

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. Sam Singleton of Dalhart, Texas, an outstanding citizen of this State; and

Whereas, We desire to welcome this distinguished visitor to the Capitol

Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Hazlewood by unanimous consent presented Mr. Singleton to the Members of the Senate.

## Senate Resolution 108

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Junior and Senior History and Civics Classes from New Caney, Montgomery County, Texas, accompanied by their teacher or sponsors, Mr. V. E. Parker and Mr. James Hoke; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the students, Mr. Parker and Mr. Hoke to the Members of the Senate.

## House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committee indicated:

H. B. No. 151, to Committee on Agriculture and Livestock.

H. B. No. 212, to Committee on State Affairs.

H. B. No. 30, to Committee on Education.

H. B. No. 78, to Committee on Agriculture and Livestock.

H. B. No. 105, to Committee on Agriculture and Livestock.

H. B. No. 110, to Committee on Counties, Cities and Towns.

H. B. No. 92, to Committee on Education.

H. B. No. 184, to Committee on Agriculture and Livestock.

H. B. No. 85, to Committee on Privileges and Elections.

H. B. No. 113, to Committee on State Affairs.

#### Adjournment

On motion of Senator Hardeman the Senate at 11:40 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, February 23, 1959.

#### Record of Vote

Senators Krueger, Phillips, Herring and Bradshaw asked to be recorded as voting "Nay" on the motion to adjourn.

### TWENTY-SECOND DAY

(Monday, February 23, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Absent—Excused

Fuller

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, Our Father, Thou hast made us for Thyself, and we are rest-

less until we rest in Thee. We thank Thee for a day of rest and refreshing in Thy sanctuary, and pray now that this new day may be one where the wicked cease from troubling; and the weary be at rest. We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 19, 1959, was dispensed with and the Journal was approved.

#### Leave of Absence

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
February 23, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 31, Amending Chapter 52, Acts of the Forty-first Legislature, First Called Session, 1929, compiled as Article 152b, Vernon's Annotated Penal Code, so as to provide for the control and eradication of bovine brucellosis; repealing conflicting laws; providing for severability; providing a penalty for violation; and declaring an emergency.

H. B. No. 115, To amend Section 202 of the Election Code of the State of Texas, compiled as Article 13.24 of Vernon's Texas Election Code, so as to require the filing of results of primary election returns with the County Clerk by precincts in a book to be kept by the County Clerk for that purpose; repealing all laws in conflict; and providing for severability.

H. B. No. 156, Creating a water control and improvement district under Article XVI, Section 59 of the Constitution of Texas, to be known as "Choctaw Watershed Water Improvement District" comprising certain lands lying within the County of Grayson, Texas; prescribing its powers and duties including the powers necessary to fully cooperate with the